

4. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in the City of Toledo, Lucas County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by 15 *U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in 15 *U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a Massachusetts corporation and debt collector with an office in Newton, Massachusetts.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 *U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Based upon information and belief, the Defendant is attempting to collect a consumer debt obligation from an individual identified as “Scott Woods.”
11. In connection with its attempts to collect a debt from “Scott Woods,” Defendant has contacted the Plaintiff seeking location or other contact information for this individual.

12. Defendant places calls to Plaintiff from telephone number 617.581.1960. This number comes up on Plaintiff's caller identification system as "CCS Companies."
13. Plaintiff has informed Defendant that she does not know the "Scott Woods" that Defendant is seeking to contact.
14. Despite being informed that the number it is using does not belong to the debtor being sought and that Plaintiff has no contact information to provide, Defendant has called the Plaintiff at least three additional times.
15. Defendant's repeated calls to Plaintiff's telephone number after being informed it is the wrong number evidences that Defendant intends for its calls to annoy or harass the Plaintiff.
16. Plaintiff has never requested Defendant contact her and having been informed that it is calling the wrong number, Defendant has no reasonable basis for belief that Plaintiff's earlier response was in error or that Plaintiff will now provide complete contact information.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692b(3) by, in a communication with a person other than the consumer, communicating with that person more than once unless requested to do so by that person, or without the reasonable belief that the earlier response was erroneous or incomplete and that the person now has correct or complete location information.
 - b. Defendant violated §1692d by engaging in conduct the natural

consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

- c. Defendant violated §1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

WHEREFORE, Plaintiff, Pat Woods, respectfully requests judgment be entered against Defendant, for the following:

18. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
20. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, Pat Woods, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

KAHN & ASSOCIATES, L.L.C.

/s/ J. Daniel Scharville

J. DANIEL SCHARVILLE (0071132)
dscharville@kahnandassociates.com
6200 Rockside Woods Blvd., Suite 215
Independence, Ohio 44131
Ph.: (216) 621-6101
Fax: (216) 621-6006
Attorney for the Plaintiff